

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KEVIN CLAY FELTS	§	
VS.	§	CIVIL ACTION NO. 1:11-CV-530
MARK MARTIN	§	

MEMORANDUM ORDER PARTIALLY ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Petitioner, Kevin Clay Felts, an inmate confined at FCI Beaumont Low, proceeding *pro se*, filed this petition for writ of habeas corpus contesting the legality of his conviction.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends this habeas action be dismissed.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation have been filed by either party. Petitioner, however, did file a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(a). After careful consideration, the Court partially adopts the Report and Recommendation of United States Magistrate Judge and grants petitioner's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(a).

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **PARTIALLY ADOPTED** to the extent it recommends dismissal. Petitioner's Motion to Dismiss is **GRANTED**. A final judgment will be

entered in this case in accordance with the Magistrate Judge's recommendations and this memorandum order.

So **ORDERED** and **SIGNED** this **21** day of **December, 2011**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge